

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.
Language which has been stricken indicates proposed text for deletion.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-670. Regulations Governing the Operation of Private Day Schools for Students with Disabilities (adding 8VAC 20-670-10 through 8VAC 20-670-440).

Statutory Authority: §§ 22.1-16 and 22.1-321 of the Code of Virginia.

Public Hearing Date: January 7, 2004.

Public comments may be submitted until 5 p.m. on February 2, 2004.

(See Calendar of Events section for additional information)

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Basis: The scope of legal authority is defined by § 22.1-16 of the Code of Virginia, which states that "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title." Sections 22.1-319 through 22.1-335 of the Code of Virginia provide the legal requirements for private trade, technical, business and correspondence schools, and schools for students with disabilities. The Board of Education is charged in § 22.1-321 of the Code of Virginia with promulgation of regulations for the management and conduct of the schools. The schools for students with disabilities must also comply with federal special education law, 20 USC §§ 1400-1485, the Individuals with Disabilities Education Act, and Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

Purpose: Private day schools for students with disabilities are currently regulated by The Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits, which also covers private career schools. The purpose of these planned regulations is to separate the current complex and intertwined regulations. It is intended that revised regulations for the career schools and new regulations for the private day schools for students with disabilities be promulgated to provide clarity and specificity for each type of school. This would remove questions about applicability and ensure that both schools are licensed and operated in accordance with §§ 22.1-16 and 22.1-321 of the Code of Virginia.

The welfare, health and safety of the general public as well as students and staffs are protected by establishing clear, orderly requirements for the establishment and conduct of such schools. There have been several changes in the Code

of Virginia and in applicable standards that need to be updated in the regulations. Additionally, the changes will reorganize, renumber, and simplify the regulations. There are inconsistencies that need to be addressed including academic standards, behavior management and the elimination of fees for such schools.

Substance: The regulations set forth requirements addressing the management and conduct of the schools including staff qualifications, physical facilities, instructional programs, student services, records and contracts, and cancellation and refund policies. They provide schools the guidance necessary to implement programs that are in compliance with the law and that protect both the students' and the proprietors' interests. The regulations provide a clear process by which a school receives and maintains a license or a certificate to operate. Types of approval, advertising, student guaranty provisions, denial, revocation, suspension or refusal to renew certificates to operate or licenses are detailed in the document. Specific requirements clarify academic standards and educational programs, administrative, instructional, and support personnel, behavior management, accessibility, provisions for health care, and safety.

The proposed amendments are as follows:

1. Fees are eliminated to conform to an action of the General Assembly to eliminate collection of fees from private day schools for students with disabilities.
2. On-site visits currently required by regulation every two years will be aligned with the Code of Virginia, which allows the issuing of licenses for up to three years. The regulations will require visits every three years and allow unannounced visits during the three-year time period.
3. Language is added that requires criminal background checks including fingerprinting of full or part-time, permanent or temporary employees of schools whose accreditation is recognized by the State Board of Education.
4. Language was added to ensure that schools have policies and procedures for behavior management that protect the safety and well-being of students at all times.
5. Language was added to conform to the SOA to require the private day schools to be maintained in a manner ensuring compliance with the Virginia Uniform Statewide Building Code and regulations of the board pertaining to facilities. Also added is the establishment of procedures to deal with emergencies including hostage situations, bomb threats, power outages, fires and inclement weather.
6. Medication management including the transportation and dispensing of medications is addressed.
7. Schools serving privately placed students are required to offer access to a tuition insurance plan if they financially

obligate students for more than quarterly increments of the annual tuition.

8. Provisions were added to conform to the current Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

Issues: The advantages to parents of students who are placed in private day schools for students with disabilities, persons wishing to establish and operate such schools, local education agencies and Community Services Act team, and the general public is a set of clear concise fully applicable and orderly requirements for the establishment and conduct of such schools. There are no known disadvantages to the public or the Commonwealth.

Fiscal Impact: The cost to the agency will continue at its current allocation of approximately \$100,000 annually, which includes employment of a full time specialist, part-time administrative support, travel, and materials. All funds are federal dollars. A minor impact on agency resources resulting from the new regulations is only that for printing and disseminating the new regulations. Some cost savings may occur in travel as school visits will be required every three years rather than the current requirement of an on-site visit every two years. The savings would be contingent on the number of unannounced visits deemed prudent during the three years. Localities will not incur any cost as a result of the new regulations. There will be little to no fiscal impact on the private day schools for students with disabilities that are currently licensed and monitored by the department. Schools that serve only publicly placed students will see an annual cost savings of approximately \$100 after three years of operation as they will no longer have to have a surety bond.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Virginia Board of Education (board) originally adopted the Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits (8 VAC 20-13-10 et seq.) in 1970. Those regulations provide the basis upon which private trade, technical, business, and correspondence schools, and private day schools for children with disabilities can be established and operated within the Commonwealth. The proposed new regulations, Regulations Governing the Operation of Private Day Schools for Students with Disabilities, separate the current complex and intertwined regulations and provide the basis upon which private day schools for students with

disabilities are licensed and operated in accordance with §§ 22.1-16 and 22.1-321 of the Code of Virginia. In addition, the proposed new regulations differ from the Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits in several ways by: (i) not including fees, (ii) exempting schools that collect no advance tuition other than equal monthly installments from maintaining a guarantee instrument, (iii) allowing schools to obligate students for more than quarterly increments of their annual tuition if the school makes tuition insurance available, (iv) scheduled on-site inspections will occur every three years and unannounced visits may occur anytime, and (v) criminal background checks including fingerprinting are required for school employees.

Estimated economic impact. The current regulations include licensure fees, which have not been assessed for at least eight years.¹ The costs to the Department of Education (department) of regulating private day schools for students with disabilities are fully paid for by the federal government.² The proposed regulations do not mention fees. Since these fees have not been assessed in many years and there have been no plans to assess them, removing the fee language will have no practical effect beyond avoiding some possible confusion.

The current and proposed regulations require that schools for students with disabilities maintain a guaranty instrument (surety bond, irrevocable letter of credit, or certificate of deposit) as a condition of continued certification or licensing. The purpose of the guarantee requirement is to ensure that schools are financially capable of refunding unused tuition if, for example, a school closed down. The department estimates that maintaining the guarantee instrument costs schools on average about \$100 per year. The board proposes to permit schools that have shown that they collect no advance tuition other than equal monthly installments or are paid after services have been rendered,³ to apply for exemption from the guarantee requirement. Regarding those schools that do not receive advanced tuition payments, the proposed exemption clearly provides a net benefit for the Commonwealth. The schools reduce their costs by approximately \$100 on average and tuition payers do not lose out since they have no advanced payments at risk.

For schools that receive payments one month in advance, the picture is less clear. The schools will reduce their costs by about \$100 on average. On the other hand, tuition payers could be made worse off by some degree since they do have one month of advanced tuition payments at risk. The amount of benefit they lose depends on the probability that their school will close down, multiplied by the probability that they do not get reimbursed for their advanced tuition if the school closes down, multiplied by the probability that the guarantee instrument held by the school will, in practice, reimburse the tuition payer, multiplied by the amount reimbursed. Since

¹ Source: Department of Education

² Ibid

³ The schools would be required to demonstrate that they collect no advance tuition other than equal monthly installments or are paid after services have been rendered over three years of operation.

accurate estimates for these factors are not available, the cost of exempting schools that receive tuition payments one month in advance from maintaining a guarantee instrument cannot be determined. But the risk that contracted services will not be provided are present in most commercial transactions without government involvement attempting to eliminate that risk. Firms have the option to purchase insurance (bonding) to assure their customers that their upfront payments will not be lost.

Under the current regulations, private day schools for students with disabilities cannot effectively obligate students for more than quarterly increments of their annual tuition. The prohibition on allowing schools and students (or their parent or guardian) to contract on mutually agreeable terms that may include obligating tuition for more than one quarter is costly. Permitting schools to offer contracts to tuition payers that would financially obligate them for say one semester or the full year, rather than only one quarter, can be significantly beneficial for schools. These schools, like other organizations, need to plan, create budgets, and make expenditures based on expectations of revenue. At least some schools would likely be willing to accept somewhat lower tuition if they could be assured that they will receive more than one quarter's tuition. Some tuition payers who are confident that they will be using more than one quarter of educational service would benefit and would be willing to obligate themselves for more than one quarter's tuition in exchange for lower tuition.

The board proposes to allow schools to financially obligate privately placed students for more than one quarter of the school year at a time if the school offers access to a tuition insurance plan. According to the department, handing a brochure on tuition insurance offered by a third party to the student (or parent or guardian) would satisfy the requirement for offering access to a tuition insurance plan. Tuition insurance is currently readily available. As long as it remains readily available, the board's proposal does in effect remove the prohibition on contracts between schools and tuition payers obligating the payers for more than one quarter's tuition. As discussed above, permitting binding contracts that last longer than one quarter of the year can be mutually beneficial for both schools and tuition payers.

Under the current regulations, schools receive announced on-site inspections by department staff once every two years to determine if their facilities meet licensure requirements, but do not receive surprise inspections. The proposed regulations require announced visits once every three years, but also allow unannounced visits to occur. If two conditions are met, permitting the department to conduct surprise inspections increases the schools' incentives to maintain their facilities such that they would meet licensure requirements year-round. Those conditions are: (i) the inspections occur often enough that the schools perceive there to be a nontrivial chance that they will receive surprise inspections, and (ii) the schools perceive that there is a nontrivial chance that they will lose their license or receive some other significant penalty if they do not maintain their facilities such that they would meet licensure requirements.

Unlike the current regulations, the proposed regulations require that staff at licensed schools have criminal background checks, including fingerprints. According to the department, the cost for these checks is approximately \$90 per person. The majority of schools already do conduct criminal background checks. All schools accredited by the Virginia Council of Private Education must conduct checks; 33 of the 61⁴ licensed schools in Virginia are so accredited. In addition, many, but not all, of the rest of the licensed schools conduct checks as well.⁵ For some schools required criminal background checks will introduce a new cost of doing business.

The benefits of requiring criminal background checks are not as easy to estimate as the costs. Schools are not required to change hiring decisions based upon the results of criminal background checks. But it is likely that schools that are not already conducting criminal background checks will hire fewer individuals whose criminal past may indicate increased probability of abuse toward children when they are required to conduct background checks. Officials at these schools who believe that they can judge a job applicant's character without aid of a criminal background check will have the results of the checks to show them when past behavior indicates that they may be wrong; some reduced probability of hiring individuals with a criminal past relevant to working in a building with children will likely occur. Also, these school officials will know that they cannot plead ignorance in court if their hires with relevant criminal backgrounds commit additional crimes after they are hired. Thus, increased liability concerns will further reduce the likelihood that schools would hire staff with relevant criminal histories.

Businesses and entities affected. The proposed regulatory amendments affect the 61 private day schools for students with disabilities licensed in the Commonwealth, the up to 3,577 students at those schools, and the payers of tuition to the private day schools for students with disabilities.⁶

Localities particularly affected. The proposed regulatory amendments affect all localities.

Projected impact on employment. The proposed amendments are unlikely to significantly affect total employment levels. The proposal to require criminal background checks may affect which individuals are hired.

Effects on the use and value of private property. Exempting private schools that collect no advance tuition other than equal monthly installments from maintaining a guarantee instrument will reduce their annual costs by about \$100 and will thus increase their value by the same amount. Allowing schools to obligate students for more than quarterly increments of their annual tuition if the school makes tuition insurance available will enable schools and tuition payers to

⁴ Source: Department of Education (numbers will be valid as of December 31, 2002)

⁵ Ibid

⁶ According to the Department of Education, there were 61 private day schools for students with disabilities licensed in the Commonwealth on December 31, 2002, and those schools had a combined student capacity of 3,577.

reach contract agreements that are mutually beneficial. Also, firms that sell tuition insurance may receive additional business. Permitting the department to conduct unannounced inspections may increase schools' incentives to maintain their facilities such that they would meet licensure requirements year-round. For those schools that are not already conducting criminal background checks of their hires, the proposed requirement that they do so will increase their costs. The information received from the criminal background checks may enable them to make better hiring decisions and thus will not necessarily reduce the value of their business by the full amount (if at all) of the background check costs.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the Economic Impact Statement issued by the Department of Planning and Budget on January 31, 2003.

Summary:

Existing regulations entitled, "Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits" (8 VAC 20-13) provide the basis upon which private trade, technical, business, and correspondence schools, and private day schools for children with disabilities can be established and operated within the Commonwealth. The proposed new regulations entitled, "Regulations Governing the Operation of Private Day Schools for Students with Disabilities," provide in a separate regulation the requirements for private day schools for students with disabilities that are licensed and operated in accordance with §§ 22.1-16 and 22.1-321 of the Code of Virginia. In addition, the proposed new regulations differ from 8 VAC 20-13 (Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits) in several ways by (i) exempting schools that collect no advance tuition other than equal monthly installments from maintaining a guarantee instrument, (ii) allowing schools to obligate privately placed students for more than quarterly increments of their annual tuition if the school makes tuition insurance available, (iii) providing that scheduled on-site inspections will occur every three years and unannounced visits may occur anytime, and (iv) requiring criminal background checks including fingerprinting for school employees. Fees are not included in conformance with action of the General Assembly to eliminate collection of fees from private day schools for students with disabilities.

CHAPTER 670.
REGULATIONS GOVERNING THE OPERATION OF
PRIVATE DAY SCHOOLS FOR STUDENTS WITH
DISABILITIES.

PART I.
DEFINITIONS; EXEMPTIONS.

8 VAC 20-670-10. Definitions.

"Behavioral intervention plan" means a plan that utilizes positive behavioral interventions and supports to address behaviors that interfere with the learning of students with disabilities or with the learning of others or behaviors that require disciplinary action.

"Behavior management" means those principles and methods employed by a school to help an individual student achieve a positive outcome and to address and correct inappropriate behavior in a constructive and safe manner. Behavior management principles and methods must be employed in accordance with the individualized education program or individualized instructional plan and written policies and procedures governing service expectation, educational and treatment goals, and safety and security.

"Board" means the Virginia Board of Education.

"Branch campus" means any multi-site location in the same town, city, or county where the school is offered on a regular continuing basis.

"Consent" means the voluntary and revocable agreement of the parent or parents or eligible student who has been fully informed of all information relevant to the activity including which records, if any, will be released for which consent is sought in the parent's, parents' or eligible student's native language, or other mode of communication, and who understands and agrees, in writing, to the carrying out of the activity for which consent is sought.

"Department" means the Virginia Department of Education.

"Disability category" means a listing of special education eligibility classifications for students served.

"Extension classroom" means a location away from but in close proximity to the main campus where only classes are offered.

"Guaranty instrument" means a surety bond, irrevocable letter of credit or certificate of deposit.

"License to operate" means the legal document issued by the Board of Education that provides institutional and programmatic authority to operate a school as further defined in these regulations.

"Paraprofessional" means an appropriately trained employee who assists and is supervised by qualified professional staff.

"Physical restraint" (also referred to as "manual hold") means the use of approved physical interventions or "hands-on" holds to prevent a student from moving his body to engage in behavior that places himself or others at risk of physical harm. Physical restraint does not include the use of "hands on" approaches that occur for extremely brief periods of time and never exceeds more than a few seconds duration and is used for the following purposes:

1. To intervene in or redirect a potentially dangerous encounter in which the student may voluntarily move away from the situation or hands-on approach; or
2. To quickly deescalate a dangerous situation that could cause harm to the individual or others.

"Regulations" means this document in its entirety.

"Rules of conduct" means a listing of rules that is maintained to inform students and others about behaviors that are not permitted and the consequences applied when the behaviors occur.

"School for students with disabilities" means a privately owned or operated preschool, school or educational organization, no matter how titled, maintained or conducting classes for the purpose of offering instruction, for a consideration, profit or tuition, to persons determined to have autism, deaf-blindness, a developmental delay, a hearing impairment, including deafness, mental retardation, multiple disabilities, an orthopedic impairment, other health impairment, an emotional disturbance, a severe disability, a specific learning disability, a speech or language impairment, a traumatic brain injury, or a visual impairment including blindness.

"Time out" means removing the individual from his immediate environment to a different, open location until the student is calm or the problem behavior has subsided.

PART II. GENERAL REQUIREMENTS.

8 VAC 20-670-20. License to operate.

A. Any school defined in the Code of Virginia as a school for students with disabilities shall receive a license to operate from the board prior to operation.

B. A License to operate shall be prominently displayed on the premises of the school.

8 VAC 20-670-30. Initial application.

A. The application forms and information regarding the application process shall be available from the department.

B. Complete applications and other required documentation shall be submitted to the department at least 60 administrative days in advance of the school's planned opening date.

8 VAC 20-670-40. Assessment of application.

A. The department shall evaluate each completed application within 60 administrative days of its receipt for licensure and advise the school in writing of its approval or any deficiencies.

B. All deficiencies shall be corrected within 100 calendar days from receipt of the department's written evaluation of the application. Any school not meeting this deadline shall submit to the department a written request for continued consideration.

8 VAC 20-670-50. Advertising and enrolling restrictions.

A. A school shall not advertise or enroll students prior to receiving a license to operate.

B. A license to operate shall be restricted to the disability categories specifically indicated.

C. Authority is granted to the department to suspend enrollment in or withdraw approval of programs of holders of licenses to operate that do not continue to meet the requirements of these regulations. A school that has had enrollment suspended or approval withdrawn shall be notified by certified mail and shall not enroll new students in such programs.

8 VAC 20-670-60. Certification or licensing of branch campus/ extension classroom.

A school with a license to operate may open an additional facility in the same town, city or county under the same certificate or license. The school shall submit an application and secure authorization from the department.

8 VAC 20-670-70. Penalty for noncompliance.

A. Any person who opens, operates, or conducts a school without first obtaining a license to operate may be found guilty of a Class 2 misdemeanor.

B. Each day the school remains open without a license to operate, the owner or board of directors shall incur a separate offense.

C. The department shall refer to the Office of the Attorney General any alleged or known violation of these provisions. The Office of the Attorney General shall refer the matter to the Commonwealth Attorney of proper jurisdiction.

PART III. APPLICATION.

8 VAC 20-670-80. Application requirements for schools seeking a license to operate.

The following information shall be submitted as part of the application:

1. Title or name of the school that is permanent and distinct and shall not be changed without first securing approval from the department.
2. Names and addresses of owners, controlling officials, and managing employees.
3. Evidence of compliance with applicable State Corporation Commission regulations when the school is owned by a partnership or corporation.
4. Curriculum information in the department's required format.
5. A scale drawing or copy of the floor plan including room use and dimensions.
6. A certificate of occupancy or other report from the appropriate government agency or agencies indicating that the location or locations meet applicable fire safety, building code, and sanitation requirements.
7. A copy of the deed, lease, or other legal instruments authorizing the school to occupy such locations.
8. A listing of the equipment, training aids, and textbooks used for instruction.
9. The maximum anticipated enrollment to be accommodated with the equipment available and the ratio of students to teachers and instructional aides.
10. A listing of the qualifications of the staff in the school.
11. A proposed budget, a three-year financial plan, and documentation of sufficient operating capital to carry the

school through its first year including proof of a guaranty instrument described in subdivision 13 of this section.

12. A copy of the student enrollment agreement, a current schedule of tuition and other fees, copies of all other forms used to keep student records, and the procedure for collecting and refunding tuition.

13. A surety bond, irrevocable letter of credit or certificate of deposit as required by 8 VAC 20-670-320.

14. Copies of all proposed advertising.

15. Any additional information as the board or department may deem necessary to carry out the provisions of the Code of Virginia.

8 VAC 20-670-90. Applicant commitments.

Each applicant for a license to operate shall provide a notarized certificate of compliance form provided by the Department of Education, acknowledging their commitment to conduct the school in an ethical manner and in accordance with the provisions of state and federal laws and applicable regulations.

PART IV. PROGRAM REQUIREMENTS.

8 VAC 20-670-100. Statement of purpose, philosophy, and objectives.

Each school shall be responsible for formulating a written statement setting forth its purpose, philosophy, objectives, and admissions policies, which shall be used for guidance concerning the character and number of students with disabilities to be served, the instructional program to be offered, the staff to be used, and the services to be provided.

8 VAC 20-670-110. Instructional program.

A. The instructional program of each school shall reflect the written philosophy of the school by implementing the stated objectives through methods, procedures, and practices that reflect an understanding of and meet the applicable academic, vocational, therapeutic, recreational, and socialization needs of the students served. Instructional programs for students with disabilities shall be conducted in accordance with appropriate regulations governing the education of children with disabilities approved and issued by the board.

B. Each school shall provide a program of instruction that promotes the individual student's developmental growth or academic achievement at successive grade levels. Instruction shall be designed to accommodate each student and meet the abilities, interest, educational and transitional needs of the students.

C. Programs for students with disabilities shall also comply with the following requirements:

1. Each student identified by a local education agency (LEA) as eligible for special education and related services and placed by a local school division or for noneducational reasons by a comprehensive services team shall have an individualized education program on file with the school in

accordance with regulations of the board governing the education of children with disabilities. Students not identified as such and those placed by parents shall have an individualized instruction program.

2. Individualized education programs shall address participation in the general curriculum and acquisition of the knowledge and skills contained in the Virginia Standards of Learning for English, mathematics, science, and history/social science.

3. Confidentiality of information including access rights; record of access; record on more than one child; list of types and location of information; fees; amendment of records at parent's request; consent; collection, storage, disclosure and destruction safeguards; and destruction of information shall be kept in accordance with regulations of the board.

4. The school shall use testing and evaluation materials that are not racially or culturally discriminatory and do take into consideration the student's disabling condition or conditions, or racial and cultural background.

5. The Virginia State Assessment Program shall be addressed in the student's individualized education program.

6. Schools shall follow the Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) or standards approved by the Virginia Council of Private Education for conferring credit and diplomas.

7. Records of current initial eligibility determinations or reevaluations of eligible students with disabilities, conducted in accordance with board regulations, shall be on file.

8. A planned program for personnel development shall be provided.

9. A plan for and documentation of contact with parents, guardians, and local school division personnel shall be available.

10. All procedural safeguards required by regulations governing the education of students with disabilities shall apply for eligible students.

11. Instructional/training schedules shall be conducted in accordance with board regulations.

12. The school shall maintain pupil-teacher ratios in accordance with department regulations.

D. A written agreement between the school and any third party organization shall be entered into for programs requiring an enrolled student internship or externship. A copy of the agreement shall be available for review by the board or department.

8 VAC 20-670-120. Intradepartmental cooperation.

Staff from the Department of Education will be available for consultation on educational programming.

8 VAC 20-670-130. Behavior management programs.

A. If a school has a program for behavior management or modification, the school shall develop, implement, and have on file written policies and procedures that describe the use of behavior management techniques approved by the governing body of the school. Positive approaches to behavior management shall be emphasized. The behavior management techniques used by the school shall be listed in order of their relative degree of intrusiveness or restrictiveness and the conditions under which they may be used by trained school personnel. The policies must protect the safety and well-being of the student at all times, including during fire and other emergencies. Policies must specify the mechanism for monitoring and methods of documenting the use of behavior management techniques.

B. All interested parties, including students, their parents, guardians and local education agencies when the student is publicly placed, shall be informed of the policies and rules of conduct through written information contained in the school's handbooks, brochure, enrollment contract, or other publications. Informed consent shall be obtained before implementation of any behavior management program.

C. Schools may allow students to voluntarily take time outside the classroom or in a designated area of the classroom to regroup. If the student requires assistance to remove himself from the immediate environment, it must be done in accordance with the school's policies and procedures for the use of time out that comply with sound therapeutic practice. Staff must be available to students during this time in regaining emotional control.

D. A school that uses physical restraints shall have and implement written policies and procedures governing their use. The procedures shall include methods to be followed should physical restraint, less intrusive interventions, or measures permitted by other applicable state regulations prove unsuccessful in calming and moderating the student's behavior. Use of physical restraints shall be limited to that which is minimally necessary to protect the student or others and may only be used by trained staff and only after less intrusive interventions have failed and when failure to restrain would result in harm to the student or others.

E. The behavior management program shall be developed, implemented, and monitored by staff trained in behavior management programming. Staff shall review the training in physical restraints and less intrusive interventions at least annually.

F. Application of a formal behavior management technique designed to reduce or eliminate severely maladaptive, violent, or self-injurious behavior contingent upon the exhibition of such behaviors is allowed only as part of an individually approved time-specific plan that is consistent with sound therapeutic practice. Consent of the individual, parent or guardian, and the placing school division is required.

G. Individual applications of formal behavior management techniques including use of physical restraints shall be reported to the parents and documented in the student's record and, at a minimum, include date and time, staff

involved, circumstances and reasons for use, including other behavior management techniques attempted, duration, type of technique used, and outcomes.

H. Injuries resulting from or occurring during the implementation of behavior management techniques shall be documented and appropriate health care shall be administered. The student's parents or legal guardian shall be notified.

I. Students shall not discipline, restrain or implement behavior management plans of other students.

J. The following actions are prohibited:

1. Any action that is humiliating, degrading, or abusive;
2. Deprivation of drinking water or food necessary to meet a student's daily nutritional needs except as ordered by a licensed physician for a legitimate medical purpose and documented in the student's file;
3. Denial of use of toilet facilities or toileting assistance;
4. Use of restraint as punishment, reprisal, or for the convenience of staff;
5. Corporal punishment;
6. Deprivation of health care including counseling; and
7. Use of mechanical and chemical restraints.

8 VAC 20-670-140. Equipment and instructional materials.

A. Equipment and materials for instruction shall be provided in sufficient variety, quantity, and design to implement the educational program to meet the needs of the students with disabilities as identified in the individualized education program (IEP) or individualized instruction plan (IIP) as appropriate.

B. There shall be a library adequately equipped or resource materials available on site to meet the needs of the students according to the types of training or educational programs offered by the school, if applicable. Depending upon the age and needs of the students with disabilities, reference materials should be available to the preacademic, the academic, and the career education levels, if applicable.

8 VAC 20-670-150. Provisions for health.

A. A report of physical examination not more than three years old by a qualified healthcare provider and an up-to-date immunization record shall be on file for each student.

B. A student suffering with a contagious or infectious condition or disease shall be excluded from school while in that condition unless attendance is approved by a qualified healthcare provider.

C. An adequate first aid kit shall be provided for use in the case of accidents, minor injuries, and medical emergencies.

D. All medications shall be accepted only in current original labeled prescription containers with parental permission to administer.

E. Transportation of medication shall be expressly covered in the school's policy manual. All interested parties shall be informed of the policy through written information.

F. Training shall be provided to all staff in medication procedures and effects and in infection control measures including the use of universal precautions. All staff administering medication shall receive approved training for medication management. At least one person trained in first aid and CPR shall be available at all times to the students at the school and on field trips.

G. In schools where meals are served on a daily basis, the school shall have the services of either a full-time or part-time dietitian or nutritionist, or consultative assistance to ensure that a well-balanced nutritious daily menu is provided. Records of menus for all meals served shall be kept on file for six months.

H. Any case of suspected child abuse or neglect shall be reported immediately to the local child protective services unit as required by the Code of Virginia. Any case of suspected child abuse or neglect that is related to the facility shall be reported immediately to the department and placing agency, and to either the parent or legal guardian. When a case of suspected child abuse or neglect is reported to child protective services, the student's records shall include the date and time the suspected abuse or neglect occurred, a description of the incident, the action taken as a result of the incident, and the name of the person to whom the report was made at the local child protective services unit.

8 VAC 20-670-160. Transportation.

A. All drivers of vehicles transporting students shall comply with the requirements of the applicable laws of Virginia. Appropriate safety measures that take into consideration the age range and disabling conditions of students served at the school shall be taken by staff members or other adults who may transport students to and from school.

B. Evidence of vehicle liability insurance to protect those students transported to and from the school shall be submitted.

C. All schools shall have on file evidence that school-owned vehicles used for the purpose of transporting students to and from school and school-related activities meet federal and state standards and are maintained in accordance with applicable state and federal laws.

D. All vehicles used to transport students on school activities shall be equipped with first aid kits, a fire extinguisher, and two-way communication devices.

E. Individual student emergency information including currently prescribed and over-the-counter medications, significant medical problems, and any allergies shall accompany students when they are being transported.

PART V. DISABILITY CATEGORIES.

8 VAC 20-670-170. Disability categories.

A. The instructional program shall exist only for those students who have a disability listed in the categories posted on the school's current license to operate.

B. Supplementary applications to serve additional categories of students may be submitted to the department for approval at any time. The information must be submitted in such form as prescribed by the department.

C. Revisions to existing program services must be submitted to the department for approval prior to implementation.

PART VI. STAFF.

8 VAC 20-670-180. Personnel policies.

Each school shall develop written personnel policies for employees that shall include, but not be limited to, job descriptions, evaluation procedures, procedures for handling accusations against staff, and termination policies and make them available to the board or department if requested.

Licensure Regulations for School Personnel (8 VAC 20-21) issued by the board are to be used by the schools when hiring staff employed by another school.

8 VAC 20-670-190. Administrative personnel.

A. Each school shall designate a person to be responsible for the administration of the school. This person shall be a graduate of an accredited college or university and shall have sufficient time, training, and ability to carry out effectively the duties involved.

B. The individual responsible for the day-to-day operation of the educational program, no matter how titled, shall hold and maintain a valid five-year renewable postgraduate professional license issued by the board. This individual shall hold an endorsement in at least one appropriate area of disability served by the school. The individual serving in this capacity could be the same person functioning as the administrator identified in subsection A of this section provided licensure requirements are met.

C. The department may make exception to the above requirements for good cause upon application by the school.

8 VAC 20-670-200. Teachers.

A. Teachers of academic courses in elementary and nondepartmentalized middle and high school programs shall hold a current Virginia teaching license issued by the board with endorsement in at least one of the specific areas of disability served by the school, or otherwise comply with board regulations. "Otherwise comply" means that a teacher without endorsement in a specific area of disability must secure a Special Education Conditional License from the board and agree in writing to earn credit at the rate of six semester hours per year toward full endorsement beginning in the next semester. Requirements for a teaching license and

the procedure for securing a license are outlined in the Licensure Regulations for School Personnel (8 VAC 20-21).

B. Teachers in middle and high schools that are departmentalized must hold a current Virginia teachers license with endorsement in the academic area they are instructing. A sufficient number of appropriately endorsed special education teachers must be available to case manage individualized education programs (IEPs) and to provide disability specific technical assistance and instruction. Ongoing staff development must include disability specific training.

C. Teachers of specialized subjects such as music, art, physical education, health and vocational education must hold a valid teaching license with an endorsement in the teaching area of responsibility and agree to complete course work or inservice training in working with the types of students served by the school.

D. The board may make exception to the above requirements for good cause.

8 VAC 20-670-210. Ancillary personnel.

A. A therapist employed by a school shall be professionally trained in the area or areas of therapy in which he practices. If the school employs a therapist, this person shall be licensed or certified by the appropriate state and national authority or licensed eligible and currently working under the supervision of a licensed therapist. Documentation of continued progress toward licensure must be maintained.

B. Audiologists or speech therapists employed by the school shall be licensed by the appropriate state authority or meet the requirements for licensure as outlined in Licensure Regulations for School Personnel (8 VAC 20-21).

C. Psychologists employed by the school shall be licensed by the appropriate state authority, or meet the requirements for school psychologists, or both, as outlined in Virginia Licensure Regulations for School Personnel.

D. Paraprofessionals employed by the school shall be, at a minimum, high school graduates or the equivalent and have inservice training or experience in working with the type of student served by the school.

E. All support personnel such as librarians, guidance counselors, social workers, etc., shall have earned a bachelor's degree from an accredited institution and hold a valid license, where applicable, issued by the department or be licensed by the appropriate state authority.

F. All medical personnel, including but not limited to nurses and physicians, shall hold all licenses required by the Commonwealth of Virginia.

G. All volunteers and interns or students who are receiving professional training shall be properly supervised.

H. The department may make exception to the requirements of this section for good cause upon application by the school.

8 VAC 20-670-220. Personnel files.

Personnel files for staff shall be maintained and shall include the following documentation:

1. Academic preparation and past experience;
2. Attendance records;
3. Copies of contracts indicating dates and terms of employment;
4. Results of a current xray or tuberculin test and other health records required by § 22.1-300 of the Code of Virginia and applicable regulations of the Virginia Department of Health;
5. Evidence of child protective service and criminal records checks including fingerprinting. Additionally for all staff who may transport students, evidence of Department of Motor Vehicles checks and a current copy of the driver's license; and
6. Documentation of staff development.

PART VII.

PHYSICAL FACILITIES AND INSPECTIONS.

8 VAC 20-670-230. Facilities.

A. Department staff shall inspect the school facilities and file a report that is available to the board for review as a prerequisite to certification or licensing. The department shall schedule periodic monitoring visits to each school for students with disabilities at least once every three years. Unannounced visits by department staff may be made during the three-year time period. All facilities in use must comply with appropriate state and local ordinances governing fire safety, sanitation, and health.

B. A change in the location of a school shall be reported to the department at least 30 days before the move on forms provided by the department. Documents required by subdivisions 5, 6 and 7 of 8VAC 20-670-80 for the new location must be submitted to the department before the actual move takes place. An on-site visit must be made by department staff as soon as possible following notification of the pending change.

C. Schools that find it necessary to utilize extension and branch facilities must submit the information required by subdivisions 5, 6 and 7 of 8 VAC 20-670-80 and have an on-site visit to the facilities conducted by department staff prior to utilizing the facilities.

D. Schools that are modifying or expanding current facilities must submit the information required in subdivisions 5 and 6 of 8 VAC 20-670-80 and may have an on-site visit conducted by department staff.

E. In the event of fire or other emergency situations, the school must notify the department as soon as possible of the conditions and status of the school.

8 VAC 20-670-240. The school plant.

A. Schools shall be in compliance with the Uniform Statewide Building Code (13 VAC 5-62) and the Americans with

Disabilities Act. They shall maintain a physical plant that is accessible, barrier free, safe, and clean.

B. In the case of new construction, schools shall comply with § 2.1-514 of the Code of Virginia with reference to architectural barriers.

C. Emergency procedures shall be established by the school for handling emergencies including hostage situations, bomb threats, power outages, fires, medical emergencies, and inclement weather.

PART VIII.

STUDENT SERVICES, RECORDS, AND CONTRACTS.

8 VAC 20-670-250. Student services and records.

A. Each school shall maintain a listing of all students who enroll that includes, but is not limited to, the student's name, address, telephone number, social security number, disability, and enrollment date. For all publicly placed students, this list shall include the student's local school division. The information shall be current as of the date the student enrolls and shall be available for inspection by or submission to the board or department upon request.

B. Records of student counseling sessions for academic or disciplinary reasons must be maintained in the student's permanent record if termination, dismissal, or withdrawal is the basis for the counseling. The student, parent or guardian, or local school division shall receive a copy of the report upon written request if the action resulted in dismissal or termination.

C. Schools shall develop, publish, and provide to students clearly written policies governing conduct, attendance, academic progress necessary to matriculate to the next grade or level, and other matters relative to encouraging responsible student behavior.

D. Each school shall develop, publish, and make available to parents and students a procedure for resolving complaints, which shall include information on reporting such complaints to the department. The department may utilize outside services to investigate and resolve complaints.

8 VAC 20-670-260. Applications and enrollment agreements for students privately placed.

A. An application for admission is not to be construed as a binding instrument on the part of the student or the school.

B. Any contract between a student, parent or guardian and a school certified or licensed by the board shall be separate from the application for admission and must clearly outline the obligations of both parties.

C. Any contract or enrollment agreement used by the school shall comply with the following provisions:

1. The name and address of the school shall be clearly stated.

2. The total cost of the program, including tuition and all other charges, shall be clearly stated.

3. A disclosure that such agreement becomes a legally binding instrument upon the school's written acceptance of the student shall be included.

4. The school's cancellation and refund policy shall be clearly stated.

D. Each school that serves privately placed students shall offer access to a tuition insurance plan if they financially obligate students for more than quarterly increments of the annual tuition.

E. A school may require the payment of a reasonable nonrefundable initial fee to cover expenses in connection with processing a student's application provided it retains a signed statement in which the parties acknowledge their understanding that the fee is nonrefundable. No other nonrefundable fees shall be allowed prior to enrollment.

F. Schools that charge or are paid on a "services-rendered" basis may be exempted from the provisions of this part upon written request to the department.

8 VAC 20-670-270. Application and enrollment agreements for students publicly placed.

A. An application for admission is not to be construed as a binding instrument on the part of the student or the school.

B. Any contract between a local school division or any other public agency or agencies financially responsible for the student's placement and a school certified or licensed by the board shall be separate from the application for admission and must clearly outline the obligations of both parties.

C. Any contract or enrollment agreement used by the school shall comply with the following provisions:

1. The name and address of the school must be clearly stated.

2. The total cost of the program, including tuition and all other charges, shall be clearly stated.

3. A disclosure that such agreement becomes a legally binding instrument upon the school's written acceptance of the student shall be included.

PART IX.

ADVERTISING AND PUBLICATIONS.

8 VAC 20-670-280. Advertising and publications.

A. Each school shall use its complete name as listed on its license to operate for all publicity, publications, promotions or marketing purposes.

B. With respect to its status with the board, the school may advertise only that it has a "License to Operate from the Virginia Board of Education." No other wording is acceptable to the board.

A school holding a license to operate issued by the board shall not expressly or by implication indicate by any means that the license to operate represents an endorsement offered by the school.

C. Each school shall develop and publish a handbook describing the school's programs and policies that shall be submitted to the department for review and approval prior to final printing. All printed materials shall be accurate concerning the school's requirements for admission, curricula, programs and services, graduation requirements, tuition and other fees or charges, and terms for payment of tuition and other fees. Copies shall be filed with the board or department.

D. A school or its representatives shall not make any fraudulent or misleading statement about any phase of its operation in published or distributed materials.

E. Printed or electronic representations shall not be used by a school in such a manner as to convey a false impression about the size, importance, or location of the school's facilities or its equipment.

F. Schools shall not use endorsements, commendations, or recommendations by students, individuals, manufacturers, business establishments or organizations except with their written consent and without any offer of financial compensation. Written evidence of compliance shall be maintained and available to the board or department.

G. The accrediting agency must be named if accreditation is used as part of a school's promotional materials.

H. No school may use the seal of the Commonwealth in any advertisement, publication or document.

PART X.

ELECTRONIC CAMPUS SCHOOLS.

8 VAC 20-670-290. Electronic campus schools.

A. This section shall apply only to electronic campus schools.

B. In addition to the general application requirements, considerable emphasis will be placed on the following components when reviewing documentation submitted with an application from an electronic campus school:

1. Clearly defined educational objectives that demonstrate that the objectives can be achieved through distance learning must be included with any application.
2. Courses offered are sufficiently comprehensive, accurate and up to date, and educationally sound instructional materials and methods are used to achieve the stated objectives.
3. The school provides adequate examination services, maintenance of records, encouragement to students, and attention to individual differences.

PART XI.

CHANGE OF OWNERSHIP.

8 VAC 20-670-300. A license to operate is not transferable.

A. A change of ownership occurs when control of a school changes from one owner to another. New owners of a school shall make an application for an original license to operate.

B. If there is a change in ownership of a school, the current owner shall notify the department at least 30 days prior to the proposed date of sale and provide a copy of the agreement of sale. An application for an original license to operate or certificate of program compliance, including all attachments listed in 8 VAC 20-670-30, shall be submitted to the department by the new owner within 30 days following the effective date of the change. The school may be operated on a temporary basis under the new ownership until an original license to operate has been issued by the board.

PART XII.

CONTRACTUAL RIGHTS OF STUDENTS.

8 VAC 20-670-310. Protection of contractual rights of students.

As required by § 22.1-324 of the Code of Virginia, each school applying for a License to Operate shall provide a certain guaranty to protect the contractual rights of students.

If the school holds a surety bond or other guaranty instrument as required by 8 VAC 20-670-320, the first priority shall be to file a claim against the guaranty instrument.

8 VAC 20-670-320. Guaranty instrument requirements.

A. All applicants for a new license to operate, including those who have a change of ownership, shall provide a surety bond, irrevocable letter of credit or certificate of deposit as required by this section and maintain the guaranty instrument. Schools for students with disabilities shall maintain a guaranty instrument as required by this section as a condition of continued certification or licensing.

B. The amount of the guaranty instrument shall be based on the total projected enrollments as follows:

1. The minimum guaranty for up to 50 students is \$5,000.
2. The minimum increases incrementally by \$5,000 for each additional 50 students or portion thereof.

C. If the school shows that it collects no advance tuition other than equal monthly installments or is paid after services have been rendered, the school may apply, after three full years of operation, on forms provided for that purpose, to the department for authority to be exempt from the guaranty requirements.

D. For guaranty instrument purposes, the school shall count its total current enrollment as of the date of the application, its largest enrollment as of the date of the application, or its largest enrollment in the preceding 12 months, whichever is greater. A school being organized shall use the maximum projected enrollment, which will be subject to revision based on the enrollment 60 days following the date classes start.

E. In the event a guaranty instrument is terminated other than as allowed in subsection C of this section, the license to operate will automatically expire if a replacement bond is not provided.

PART XIII.
RENEWAL.

8 VAC 20-670-330. Renewal of license to operate.

A. Schools for students with disabilities may have their licenses to operate renewed for up to three years.

B. The application for renewal shall include, in addition to other information:

1. A current fire inspection report.
2. A current schedule of tuition and other fees.
3. A copy of the financial statements of the school or owning entity to include, but not be limited to, the following:
 - a. A balance sheet reflecting assets, liabilities, equity, and retained earnings;
 - b. An income statement reflecting revenues, expenses, and profits and losses;
 - c. A statement of increase or decrease in cash reflecting the sources and uses of working capital; and
 - d. Explanatory notes, which reflect the disclosures required by generally accepted accounting principles. These statements must be as of the date of the school's most recently ended fiscal year.
4. The department reserves the right to call for, if needed in specific cases, one of these two types of statements:
 - a. An audited financial statement certified by an outside independent, certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants; or
 - b. A financial statement that has been reviewed by an outside independent, certified public accountant in accordance with principles established for reviews by the American Institute of Certified Public Accountants.

C. Every license to operate that has not been renewed by the board on or before the renewal anniversary date shall expire, and the school shall cease operation immediately. A new license to operate shall be obtained from the board before such school may resume operations. All of the requirements of Part III (8 VAC 20-670-80 et seq.) of this chapter shall be met.

D. Any school not complying with the provisions of this section shall be deemed to be in violation of these regulations and shall be reported to the Office of the Attorney General for appropriate action.

PART XIV.
DENIAL, REVOCATION, SUSPENSION OR REFUSAL
TO RENEW A CERTIFICATE, GROUNDS.

8 VAC 20-670-340. Board actions.

The license to operate shall not be denied, revoked or suspended or a request for renewal refused except upon action of the board, which shall be reported in writing. Records of the board's findings, recommendations, and actions shall be preserved in writing.

8 VAC 20-670-350. Refusal, denial, revocation, or suspension.

The board may refuse to renew or may deny, revoke or suspend the license to operate of a school for any one or combination of the following causes:

1. Violation of any provision of the Code of Virginia or any board regulations;
2. Furnishing false, misleading, or incomplete information or failure to furnish information requested by the board or department;
3. Violation of any commitment made in an application for a license to operate or certificate of program compliance;
4. Failure to provide or maintain the premises or equipment in a safe and sanitary condition as required by law, by state regulations or local ordinances;
5. Failure to maintain adequate financial resources to conduct the programs offered or to retain an adequate, qualified instructional staff;
6. Failure to safeguard the interests of the public; and
7. Failure within a reasonable time to provide information requested by the board or department as a result of a formal or informal complaint or as supplement to an application.

8 VAC 20-670-360. Board investigation.

The department may, upon its own motion, investigate the actions of any applicant or any persons holding or claiming to hold a license to operate. The department shall make such an investigation upon the written complaint of any individual setting forth facts which, if proved, would constitute grounds for denial, refusal, suspension, or revocation of a certificate or license.

8 VAC 20-670-370. Department investigation procedures.

Authority is granted to the department staff to investigate complaints from individuals and other sources concerning alleged violations of the Code of Virginia or regulations by a school. Where the findings of the department are in favor of the complainant, the school shall abide by any recommendations made or corrective action deemed necessary by the department. If the school disagrees with the recommendations or corrective actions, the department shall hold an informal hearing to determine whether further action (i.e., revocation, suspension or refusal to renew a certificate) is warranted. The Superintendent of Public Instruction or his designee shall chair the hearing.

8 VAC 20-670-380. Corrective actions.

Before proceeding to a hearing, as provided for in the Code of Virginia, on the question of whether a license to operate shall be denied, refused, suspended, or revoked for any cause, the department may grant a reasonable period of time to correct any unsatisfactory condition to the holder of or applicant for a license to operate. If within such time the condition is corrected to the department's satisfaction, no further action

leading to denial, refusal, suspension, or revocation shall be taken by the board.

8 VAC 20-670-390. Procedure for taking actions.

All actions taken under the provisions of this section in regard to denials, revocations, suspensions, or refusals to renew shall be taken in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia.

8 VAC 20-670-400. Revocation or denial consequences.

Any owner of a school that has had a certificate or license revoked or denied or has been refused renewal shall not be allowed to reapply before at least 12 months have passed since the date the formal action was taken. In addition, this policy shall apply to any owner who fails to comply with the provisions of Part XVI (8 VAC 20-670-420) of this chapter when closing a school.

PART XV.
LISTING OF SCHOOLS.

8 VAC 20-670-410. School listing.

The department shall maintain a list of schools holding valid licenses to operate under the provisions of the Code of Virginia, which shall be available for the information of the public.

PART XVI.
SCHOOL CLOSINGS.

8 VAC 20-670-420. Closing procedures.

A. A school that is closing shall notify its students of the closing in writing. Local school divisions of all publicly placed students will also be notified. Arrangements shall be made to assure that students are able to complete the school year or, if privately placed, are provided refunds. In the event such arrangements cannot be made, the department shall be available to assist in making special arrangements for students to complete that year's program or students will be advised of their rights.

B. Each school that is closing shall notify the department in writing in advance of the anticipated closing date and provide the following information relative to the students currently enrolled:

1. A listing as described in subsection A of 8 VAC 20-670-250;
2. For privately placed students, academic records including credits, grades or courses completed, and grades for those courses; evidence of refunds made to students, where applicable; a copy of each student's academic attendance and financial payment records; and a copy of the enrollment agreement;
3. Records for publicly placed students in schools for children with disabilities shall be returned to the student's home school division with verification of this transmittal to the department; and
4. Students' records transmitted to the department shall be the originals or certified true copies.

C. At the time of notification, the school shall submit a written plan detailing the process of closure that provides for the following:

1. The cessation of all recruitment activities and student enrollments as of the date of the notice;
2. A description of the provisions made for the students to complete the academic year;
3. Copies of all notices of the closing given to students, local school divisions, the general public, and other interested parties such as accrediting agencies, tuition insurers, etc.;
4. Provisions for the transfer of all publicly placed students to their local school divisions and privately placed student records to the department within 30 days of the close and notification to all students of the location of their records; and
5. Provisions for notifying students in writing of their financial obligations.

D. The cost of transferring the records to the department shall be borne by the school.

E. In the event a school files a bankruptcy petition, a complete, certified true copy shall be filed with the department. If privately placed students are unable to complete the academic year, they shall be given the highest creditor status allowed by statute for refunds in the full amount of tuition and fees paid to the school.

F. The board or department may request any additional information that is reasonable and necessary to carry out its responsibility.

PART XVII.
TRANSMITTAL OF DOCUMENTS AND MATERIALS.

8 VAC 20-670-430. Transmitting documents and other materials.

A. The mailing of applications, forms, letters, or other papers shall not constitute receipt of the same by the department unless sent by registered mail, certified mail, express mail, or courier with return receipt requested.

B. All materials sent should be addressed to the Private Day Schools for Students with Disabilities, Department of Education, Box 2120, Richmond, VA 23218-2120, or Private Day Schools for Students with Disabilities, James Monroe Building, 24th Floor, 101 North 14th Street, Richmond, VA 23219.

C. Materials submitted by electronic means (e.g., facsimile machine, computer, etc.) will be accepted contingent upon receipt of original documents sent in accordance with subsection A of this section.

PART XVIII.
COMPLAINTS.

8 VAC 20-670-440. Complaints.

Schools are required to establish and provide to parents, students, and placing agencies an internal complaints

resolution process. In the event that the complainant is not satisfied with the internal resolution or prefers, he may file a complaint with the Office for Private Special Education Day Schools, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120.

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